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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 DOUGLAS SEYMOUR,

12 Plaintiff,

13 vs.

14 JOHNNY WOODRUFF; and LAS VEGAS
METROPOLITAN POLICE DEPARTMENT'
and JOHN DOES 1 to 50, inclusive,

15 Defendants.

Case No. 2:20-cv-00937-RFB-VCF

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE**
(First Request)

16
17 Pursuant to LR 6-1 and LR 26-4, Defendant, Las Vegas Metropolitan Police Department
18 ("LVMPD"), Defendant, Johnny Woodruff ("Woodruff") and Plaintiff, Douglas Seymour
19 ("Seymour") by and through their respective counsel, hereby stipulate, agree, and request that this
20 Court extend the dispositive motion deadline from the current date of November 3, 2021 as the
21 parties are actively involved in settlement discussions which may alleviate the need to file any
22 dispositive motions.

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1 **A. Discovery Completed to Date**

2 The parties have exchanged their initial Rule 26 Disclosures. Defendant Las Vegas
3 Metropolitan Police Department (“LVMPD”) has provided six additional supplemental
4 disclosures; Plaintiff has provided one additional supplemental disclosure; and Woodruff
5 provided a supplemental disclosure. All parties served and responded to various written
6 discovery. LVMPD served various third-party subpoenas which following litigating Motions to
7 Quash filed by Plaintiff, responses have been received and disclosed.

8 The depositions of Woodruff, a third-party, Sgt. Jonathan Robinson and the Plaintiff
9 were taken. An IPE of Plaintiff was conducted. The parties timely disclosed expert reports.

10 **B. Discovery Remaining to be Completed**

11 No further discovery is needed.

12 **C. Reason for Request for Extension of Dispositive Motion Deadline**

13 As stated above, the parties are discussing settlement which would resolve this matter in its
14 entirety. The parties wish to conserve resources at this time as in the event the parties are able to
15 reach resolution, there will be no need to file dispositive motions.

16 **D. Proposed Extended Deadline for Dispositive Motions**

17 Accordingly, the parties respectfully request that this Court enter an order as follows:

18 (1) Dispositive Motions.

19 The parties request the current deadline of November 3, 2021, be extended to November 17,
20 2021.

21 The parties recognize that they are making this request fewer than twenty-one days
22 before the current dispositive motion deadline of November 3, 2021, however the parties submit
23 that good cause and excusable neglect exists for the delay.

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1 LR 26-3 states in relevant part:

2 A motion or stipulation to extend a deadline set forth in a discovery plan
3 must be received by the court no later than 21 days before the expiration
4 of the subject deadline. A request made within 21 days of the subject
5 deadline must be supported by a showing of good cause. A request made
after the expiration of the subject deadline will not be granted unless the
movant also demonstrates that the failure to act was the result of
excusable neglect.

6 In evaluating excusable neglect, the court considers the following factors: (1) the reason
7 for the delay and whether it was in the reasonable control of the moving party, (2) whether the
8 moving party acted in good faith, (3) the length of the delay and its potential impact on the
9 proceedings, and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs.*
10 *Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

11 There is good cause for the requested brief extension as shown above. The parties have
12 conducted all discovery in this matter and at the conclusion of discovery, the parties began
13 settlement discussions. The discussions only recently commenced so the parties were not aware
14 twenty-one (21) days ago that an extension would be necessary. The parties need additional
15 time to negotiate without spending additional fees, resources and time in the preparation of
16 dispositive motions.

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1 This request for an extension is made in good faith and joined by all the parties in this
2 case. Trial is not yet set in this matter and dispositive motions have not yet been filed.
3 Accordingly, this extension will not delay this case. Moreover, this Request will allow the
4 parties to possibly resolve this matter in its entirety.

5 DATED this 27th day of October, 2021.

6 KAEMPFER CROWELL

PETER GOLDSTEIN LAW CORP

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17 ***Attorneys for Defendant***
18 ***Officer John Woodruff***

19 **ORDER**

20 IT IS SO ORDERED.

21 
22 _____
23 UNITED STATES MAGISTRATE JUDGE
Dated this 28th day of October 2021.

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